IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

MACA.No. 933 of 2007()

OPMV.1320/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER

ASMABI, AGED 46 YEARS, W/O ALAVIKUTTY,
RESIDING AT NECHOODIKANDY PARAMBA,
ARAKINAR P.O., MARAD BEACH, KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENTS
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1. E.ABDUL HAJI, AGE NOT KNOWN,
S/O PAKKER, RESIDING AT EDATHIL VEEDU,
P.O.ORAVIL, NADUVANNUR, KOZHIKODE.

2. N.B.SHALY, S/O BHASKARA, RESIDING AT
NHARAKKATTU VEEDU, NARIKUNI P.O.,
KOZHIKODE.

3. UNITED INDIA INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, SEEMA TOWER, KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

M.A.C.A.No. 933 of 2007

Dated this the 18th June, 2007.

J U D G M E N T

The claimant in the Original Petition, O.P.(M.V.) No.1320/2000, on the file of the Principal Motor Accident Claims Tribunal, Kozhikode, is the appellant herein. The appellant claimed an amount of Rs.60,000/= as compensation. After considering the evidence, the Tribunal awarded an amount of Rs.15,000/= as compensation. Alleging that the quantum of compensation awarded is very meagre, this appeal is filed.

2. It is true that the appellant had produced a certified report, which shows the total loss suffered by the appellant as Rs.49,158/=. The appellant had not produced any bills for purchase of the spare parts. Even the manufacturing year of the vehicle is not proved, and hence, the quantum of depreciation cannot be fixed. Even the photographs produced are not helping in assessing the damage. So, the Tribunal was perfectly justified in awarding Rs.15,000/= as compensation. Hence, I find no scope for interference, and the appeal is only to be dismissed.

In the result, the appeal is dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.